

CHARTER COMMISSION MEETING MINUTES

MONDAY, APRIL 4, 2011

705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

Absent: None

Charter staff members in attendance: Mike Hebert (City-Parish Attorney), Pat Ottinger (Assistant City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

Council Members/Staff in attendance: Council Chair Kenneth Boudreaux, Council Members Jay Castille, Don Bertrand & Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: Director of Lafayette Utilities System Terry Huval and Chief Financial Officer Lorrie Touns

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance
Commissioner Karen Carson was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members

Bourgeois expressed concern regarding a decision made by the Commission during the prior meeting to preliminarily select a single ballot proposition with the separate Charters as the option. He was frustrated that there was no option that provided voters with a multiple choice ballot. In his opinion, the separate Charters would take steps back, as opposed to the Consolidated form of Government, which worked for the entire City and Parish in unison.

Bacque concurred and stated the reason the City and Parish consolidated was due to the Parish's sinking tax base and wondered who would be willing to support additional taxes for the Parish to pay for the deconsolidation decision. It was his opinion the two separate governments would increase costs. Lewis stated that he computed the estimated cost of salaries approved for Council Members and the Executives under the separate government plans; there would be an increase of \$106,000 over the existing LCG total salary amount of \$335,200 (for the Mayor-President and Council Members).

AGENDA ITEM NO. 4: Consider Final Vote on Ballot Proposition (Public allowed to speak prior to final vote)

The separate documents were shown on the overhead projector for review by the viewing public.

Manuel offered a motion, seconded by Bourgeois to send a final recommendation to the City-Parish Council that: 1) there be multiple ballot issues, instead of a single ballot issue; 2) there be a second ballot option for the Consolidated (hybrid) Charter calling for a 9-Member Council (5 Members in the City and 4 Members outside

the City), with the five (5) City Council Members handling all matters related to the City of Lafayette, in addition to those related to LUS, LPPA and the Consolidated Sewerage District, in addition to the separate Charter option,; and, 3) the Consolidated (hybrid) Charter include a Mayor and Parish Manager.

Lewis expressed concern that the all-City Consolidated Charter had not been reviewed by the Legal Department. Oats did not support the motion and suggested the Commission give more thought to whether the Council might grant the Charter Commission's request for additional time.

Conrad Comeaux advised that the bond attorney had informed him of 20 additional concerns with the hybrid model that was not mentioned during his presentation to the Commission. The proposed Consolidated (hybrid) documents needed to be amended and reviewed by the attorneys before proceeding forward.

On the motion offered by Manuel, seconded by Bourgeois to send a final recommendation to the City-Parish Council that: 1) there be multiple ballot issues, instead of a single ballot issue; 2) there be a second ballot option for the Consolidated (hybrid) Charter calling for a 9-Member Council (5 Members in the City and 4 Members outside the City), with the five (5) City Council Members handling all matters related to the City of Lafayette, in addition to those related to LUS, LPPA and the Consolidated Sewerage District, in addition to the separate Charter option,; and, 3) the Consolidated (hybrid) Charter include a Mayor and Parish Manager, the vote was as follows:

YEAS: Bacque, Bourgeois, Manuel

NAYS: Carson, Conque, Lewis, Miller, Oats, Walker

ABSENT: None

ABSTAIN: None

The motion failed.

Conrad Comeaux asked that the provision relating to Urban Districts be placed in the City Charter. Conque referred to the existing Charter, noting that language similar to Section 7-10 "Urban Districts" could be placed in the separate City Charter, excluding letter "C".

Conque offered a motion, seconded by Oats to include **a preliminary Charter amendment** to add a new Section in the separate City Charter with reference to "Urban Districts", similar to the verbiage in the existing Charter under Section 7-10 (excluding letter "C") and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: None

ABSENT: None

ABSTAIN: None

The motion was unanimously approved.

Lewis asked if there were any other motions for a final vote and recommendation.

Conque offered a motion, seconded by Carson to send a FINAL RECOMMENDATION to the Lafayette City-Parish Consolidated Council that there be one proposition on the ballot and the proposition be a separate Charter for the City of Lafayette and a separate Charter for the Parish of Lafayette.

Lewis reminded that the Legal Department and Bond attorney had previously reviewed the two separate Charters and more recently, Legal had reviewed the documents a second time. Minor changes for consistency were made throughout the documents, including changes relating to the words Parish Government, Parish of Lafayette, City of Lafayette and City Government. Hebert further identified amendments to Sections 2-07A, 2-14A and 5-04B in both charters with reference to emergencies, making the provision applicable to state law. *The amendments were accepted by Conque as part of his initial motion, which would now be his motion as amended.*

Oats offered amendments within both documents related to typographical and verbiage changes that did not change the Commission's intent with reference to language. *Conque accepted all of Oats' changes in globo, for inclusion in his motion as amended.*

For inclusion in the motion as amended, Oats asked that a statement be included with the final recommendation authorizing the Charter Chairman, working in concert with the Legal Department, to make any necessary typographical, verbiage or format changes to the documents, as long as said changes did not alter the Commission's intent. *Conque accepted Oats' statement of authorization for inclusion in the motion as amended.*

Lewis reiterated that the motion was to take a FINAL VOTE of the Commission and asked for comments from the Commission. Bacque asked if the Commission's work would be completed, should the motion pass and Lewis responded affirmatively. Oats added he intended to make a motion to table after hearing further comment on the proposed final vote. Per Council ordinance, Lewis reminded that the Commission had a deadline to complete its work by or on April 13, 2011. Further, the final vote was placed on the agenda for tonight's meeting because Bacque had requested same, given he was scheduled to be out of town around the April 13 deadline date.

Conrad Comeaux asked that a Section relating to "Rural Districts" be added to the separate Parish Charter, as was done with the provision of Urban Districts in the City Charter, making the verbiage similar to Section 7-10 in the existing LCG Charter. Oats offered the change for inclusion in the final vote. *Conque accepted Oats' request to add a new Section on Rural Districts in the Parish Charter for inclusion in the motion as amended.*

►Mike Hinson supported the current form of government and thought it would be wise to have a total parishwide consolidation. He asked that the amended Consolidated (hybrid) Charter (all City) be included as a ballot choice, as he felt the motion on the floor would take the parish backwards.

►Bernell Bernard lived in the City of Scott and was saddened to see that more voters were not participating in the process. She favored the motion on the floor.

►Wayne Colvin was disappointed that the Commission could only come up with a couple of options to handle the governance issue. Two issues were discussed with reference to the outlined cities not having input in Consolidated Government and the City's lack of growth and its impact on LUS' expansion. Consolidated government has worked well. Colvin felt separating the government would stifle matters and cause confusion.

►Mike Stagg stated that Lafayette needed to have control of its own affairs, as does the other small towns. No one acted in the City's best interest. He felt the motion should be approved, so the Commission's work could be completed.

Oats asked if Conque would include a motion under his original motion noting that tonight would be the final vote and recommendation on this issue unless the Council would extend the Charter Commission's time on April 12. Conque declined to include Oats' motion as a part of his original motion. Thus, a substitute motion and second were made.

Oats offered a substitute motion, seconded by Bacque sending a recommendation, including all noted amendments, to the Lafayette City-Parish Consolidated Council calling for one proposition on the ballot with that proposition being a separate Charter for the City of Lafayette and a separate Charter for the Parish of Lafayette, making said recommendation a preliminary vote if the Council did grant the additional time at its meeting of April 12, 2011 and a final vote if the Council did not.

Oats further explained the Commission could pre-schedule a meeting for April 13, 2011 to confirm the final recommendation, in the event the Council did not extend the time. The additional time would allow more public outreach and a thorough review of the documents. Lewis called for speakers on the substitute motion.

► Jackie Leblanc asked when and who would know whether the documents were right and Lewis responded there would be reviews by the Justice Department, Secretary of State and the State Bond Commission and thereafter, an election date confirmed. Leblanc recommended that the Commission move forward and get the process going.

► Leonard Breaux stated that the Commission needed to move forward with the original motion and final vote on the separate Charters and did not feel the Parish would be moving backwards. Interests outside the City of Lafayette kept the City from growing. He asked that the costs between the City and Parish be appropriately apportioned so that costs would not fall on the City of Lafayette.

Hebert clarified the substitute motion, being a preliminary vote if the Council did grant the additional time and a final vote if the Council did not. Further, Hebert requested that new ballot language be substituted to further clarify the proposition. *Both Oats and Conque agreed to substitute in Section 8 of both Charters the new ballot language in their motions as amended, that language being as follows:*

Shall the existing Home Rule Charter and plan of government for the Lafayette City-Parish Consolidated Government, approved at a public referendum held on November 3, 1992, as heretofore amended, be replaced by (a) Home Rule Charter and plan of government for the City of Lafayette, according to Article VI, Section 4 of the Constitution of Louisiana and other applicable law, and (b) Home Rule Charter and plan of government for the Parish of Lafayette, according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, both as prepared and submitted by the duly constituted Charter Commission to the Clerk of the Lafayette City-Parish Consolidated Council and to the City-Parish President on April __, 2011, and shall such separate Charters for the City of Lafayette, and for the Parish of Lafayette be adopted?

FOR

AGAINST

On the substitute motion as amended by Oats, seconded by Bacque sending a recommendation, including all noted amendments, to the Lafayette City-Parish Consolidated Council calling for one proposition on the ballot

with that proposition being a separate Charter for the City of Lafayette and a separate Charter for the Parish of Lafayette, making said recommendation a preliminary vote if the Council did grant the additional time at its meeting of April 12, 2011 and a final vote if the Council did not, the vote was as follows:

YEAS: Bacque, Bourgeois, Manuel, Oats

NAYS: Carson, Conque, Lewis, Miller, Walker

ABSENT: None

ABSTAIN: None

The substitute motion failed.

On Conque's original motion as amended, seconded by Carson to send a FINAL RECOMMENDATION to the Lafayette City-Parish Consolidated Council that there be one proposition on the ballot and the proposition be a separate Charter for the City of Lafayette and a separate Charter for the Parish of Lafayette including the following amendments to:

- accept minor changes made by the Legal Department for consistency throughout the documents, including changes relating to the words Parish Government, Parish of Lafayette, City of Lafayette and City Government;
- add verbiage to Sections 2-07A, 2-14A and 5-04B in both the City and Parish Charters, as recommended by Legal, with reference to emergencies, making the provision applicable to state law, whereby: To meet a public emergency affecting life, health, property or public safety, and to meet such other emergency situations *as may be authorized now or hereafter by state law*, the Council may meet upon call of the President, the Chair of the Council or a majority of the authorized membership of the Council at whatever notice it shall be convenient to give;
- make typographical and verbiage changes that did not change the intent of the language as recommended by Commissioner Oats;
- authorize the Charter Chairman, working in concert with the Legal Department, to make any necessary typographical, verbiage corrections or format changes to the documents, as long as said changes would not alter the intent of what the Commission had already approved;
- include a Section in the Parish Charter providing for "Rural Districts", as was done with the provision of Urban Districts in the City Charter (similar to verbiage in Section 7-10 in the existing Charter, excluding letter "C"); and
- substitute new ballot language, as recommended by Legal, in Section 8 of both the City and Parish Charters to further clarify the ballot proposition to read: Shall the existing Home Rule Charter and plan of government for the Lafayette City-Parish Consolidated Government, approved at a public referendum held on November 3, 1992, as heretofore amended, be replaced by (a) Home Rule Charter and plan of government for the City of Lafayette, according to Article VI, Section 4 of the Constitution of Louisiana and other applicable law, and (b) Home Rule Charter and plan of government for the Parish of Lafayette, according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, both as prepared and submitted by the duly constituted Charter Commission to the Clerk of the Lafayette City-Parish Consolidated Council and to the City-Parish President on April __, 2011, and shall such separate Charters for the City of Lafayette, and for the Parish of Lafayette be adopted? __FOR __AGAINST,

the vote on Conque's original motion as amended for a final recommendation was as follows:

YEAS: Carson, Conque, Lewis, Miller, Oats, Walker

NAYS: Bacque, Bourgeois, Manuel

ABSENT: None

ABSTAIN: None

The motion as amended and final recommendation were approved.

Lewis asked for comments from the Commissioners:

- ▶ Bourgeois suggested that the citizens watch the money grow, if the two separate governments are approved.
- ▶ Carson stated she trusted the smart people of Lafayette Parish to make an informed decision.
- ▶ Conque echoed Carson's comments and thanked the Commissioners for their service.
- ▶ Manuel was honored to have been chosen to serve on the Commission and thanked his fellow board members for their service.
- ▶ Oats reminded that they were volunteers and the public had a duty to get involved with the selection of a governance structure. He thanked all Commissioners for their involvement.
- ▶ Walker felt like the Commission looked at the various options and, in the end, did what they were chosen to do. Now, it was up to the voters to decide.
- ▶ Bourgeois addressed the viewing audience, noting that boards, commissions and elected officials needed to hear input from the public and encouraged all to participate, especially with the governmental process.
- ▶ Lewis thanked the Commissioners for serving on the board and the Clerk of the Commission. The voters were capable of making an informed decision on how the government should be structured. In closing, he requested that all Commissioners attend the Council meeting of April 12 to present the final recommendation to the Lafayette City-Parish Consolidated Council.

- ▶ Citizens Thetis Cusimano and Bernell Bernard thanked the Commissioners for their service.
- ▶ Council Chairman Kenneth Boudreaux and former Chairman Jay Castille thanked the Commissioners for their work.

AGENDA ITEM NO. 5: Public Hearing

Citizens were provided an opportunity to speak during the meeting and did not wish to speak during the Public Hearing.

AGENDA ITEM NO. 6: Next meeting date

Given the Charter Commission made the final recommendation, their work ended.

AGENDA ITEM NO. 7: Adjourn

There being no further business, the meeting adjourned at 7:03 p.m.